

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION**

IN THE MATTER OF:

**Glenn Gorzeman
Gorzeman Heifer Dairy
15822 Euclid Avenue
Chino, CA 91710**

**COMPLAINT NO. 01-78
FOR
ADMINISTRATIVE CIVIL LIABILITY**

YOU ARE HEREBY GIVEN NOTICE THAT:

1. Glenn Gorzeman, Gorzeman Heifer Dairy, is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region, (hereinafter Regional Board) may impose civil liability pursuant to Section 13385 of the California Water Code (Water Code).
2. A hearing concerning this complaint will be held before the Regional Board within 60 days of the date of issuance of this complaint, unless you waive your right to a hearing. Waiver procedures are specified on page 3 of the complaint. If the hearing in this matter is not waived, it will be held during the Regional Board's regular meeting on September 26, 2001, at the City Council Chambers of Corona, 815 W. 6th Street, Corona, CA. The meeting begins at 9:00 a.m. You or your representative will have an opportunity to appear and be heard and to contest the allegations in this complaint and the imposition of civil liability by the Regional Board. An agenda for the meeting will be mailed to you not less than 10 days before the hearing date.
3. If the September 26, 2001, hearing is held, the Regional Board will consider whether to affirm, reject, or modify the proposed administrative civil liability or whether to refer the matter to the Attorney General for recovery of judicial civil liability.
4. Glenn Gorzeman is alleged to have failed to file a report of waste discharge (Notice of Intent) with the Regional Board, in violation of Water Code Section 13376. Section 13385(a)(1) of the Water Code specifies that any person who violates Water Code Section 13376 shall be liable civilly in accordance with Water Code Section 13385.
5. The complaint is based on the following facts:
 - A. On August 29, 2000, Regional Board staff conducted an inspection of the Albert Goyenette Heifer Ranch at 15822 Euclid Avenue, Chino. No one was present, so Regional Board staff left a note at the residence. On August 30, 2000, the owner of the property at 15822 Euclid Avenue, Chino, called and informed Regional Board staff that Glenn Gorzeman was now renting the facility for the purpose of operating a heifer ranch.

- B. On August 31, 2000, Regional Board staff mailed a certified letter to Glenn Gorzeman, requesting that a Notice of Intent (serves as the report of waste discharge) for his heifer operation at 15822 Euclid Avenue, Chino, be completed and submitted to the Regional Board along with a \$2,000 filing fee by September 14, 2000. The Regional Board received no response from Mr. Gorzeman.
 - C. On September 6 and October 5, 2000, Regional Board staff spoke with Mr. Gorzeman. On September 6, 2000, Mr. Gorzeman informed Regional Board staff that the heifers would be removed from the facility by the end of the month. On October 5, 2000, Mr. Gorzeman informed Regional Board staff that he expected to move soon, but did not provide a date.
 - D. On April 12, 2001, Regional Board staff inspected the facility and noted that the heifers were still present. On May 11, 2001, the Executive Officer of the Regional Board mailed a certified letter to Mr. Gorzeman, requesting submittal of a completed Notice of Intent and filing fee by May 22, 2001. The letter also addressed the potential for assessing civil liability for violation of Water Code Section 13376. The Regional Board received no response from Mr. Gorzeman.
 - E. On June 4, 2001, Regional Board staff contacted Mr. Gorzeman. Mr. Gorzeman again stated that he would be moving the heifers, but was not sure of the specific date. Mr. Gorzeman said he would contact Regional Board staff by the end of the week (June 8) and provide a specific date. On June 18, 2001, Regional Board staff observed that the heifers were still present at the facility. Regional Board staff did not receive a return phone call from Mr. Gorzeman.
6. The Regional Board has determined that heifer ranches where the herd size is in excess of 50 shall be subject to permitting under General Waste Discharge Requirements for Concentrated Animal Feeding Operations (Dairies and Related Facilities) NPDES No. CAG018001, (Order No. 99-11). Mr Gorzeman's herd size is greater than 50 and is, therefore, subject to Order No. 99-11.
7. Section 13376 of the Water Code provides that any person discharging pollutants or proposing to discharge pollutants to the navigable waters of the United States within the jurisdiction of this state, shall file a report of the discharge. As provided by Water Code Section 13385 the Regional Board can administratively assess a civil liability in an amount not to exceed \$10,000 for each day in which a violation of Section 13376 occurs. Therefore, the maximum liability for the violation cited above which the Regional Board can assess administratively is \$980,000 (98 days of violation from May 23, 2001 through August 29, 2001).
8. Regional Board staff spent a total of 84 hours attempting to obtain the NOI and filing fee, preparing this complaint, and preparing for the Regional Board hearing on this matter (@ \$70 per hour, the total cost for staff time is \$5,880). This factor was considered in assessing the penalty indicated in paragraph 9, below.

9. Water Code Section 13385(e) specifies factors that the Regional Board shall consider in establishing the amount of civil liability. Based on consideration of those factors, it is proposed that administrative civil liability be imposed on Glenn Gorzeman in the amount of \$12,355.

WAIVER OF HEARING

You may waive your right to a hearing. If you waive your right to a hearing, please sign the attached waiver and return it with a check made payable to the State Water Resources Control Board in the amount of the civil liability proposed in paragraph 9 above. Send the check and waiver to:

Santa Ana Regional Water Quality control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3339

If you have any questions regarding this complaint, please contact Gerard J. Thibeault at (909) 782-3284, Stephen D. Mayville at (909) 782-4922, or contact the Regional Board's staff counsel, Ted Cobb at (916) 341-5171.

August 29, 2001

Date



Gerard J. Thibeault
Executive Officer